THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12174 of 2005

Dated: 28.09.2006

Between:

Karnala Mondaiah, S/o Chandraiah, aged about 52 years, working as Sr. Mining Sardar, RK-VI Incline, Singareni Collieries Co.Ltd., Srirampuram Division, Adilabad District.

.... PETITIONER

AND

Singareni Collieries Co. Ltd., rep. by its General Manager, Srirampuram Division, Adilabad District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12174 of 2005

Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not rectifying the wage anomaly and not fixing the pay of the petitioner on par with his junior, namely Sirimalla Kanakaiah, as illegal, and consequently to direct the respondents to step up his pay on par with his junior Sirimelli Kanakaiah with effect from 01.09.1988 duly granting all other consequential benefits.

The main grievance of the petitioner in this writ petition is that when the pay of his junior, namely Sirimalla Kanakaiah, who is working in the same division and in same cadre, was fixed higher than his pay, he made several representations, the latest of which is dated 03.09.2004, requesting the respondents to rectify his wage anomaly and fix his pay on par with his junior Sirimalla Kanakaiah with effect from 01.09.1988, but so far no action has been taken by the respondents. Hence, he filed the present writ petition.

A counter affidavit was filed by the respondents *inter alia* stating that on the representation of the petitioner, his case was examined and it is proposed to step up the basic pay of the petitioner on par with his junior, namely Sirimalla Kanakaiah from Rs.1462/- to Rs.1522/- with effect from 01.01.1988 notionally and with monetary benefit from the date of representation i.e., from 01.10.1995. It is further stated that the petitioner also agreed for the said proposal made by the respondents, and to that effect they also produced letter, dated 17.03.2006, addressed by the petitioner agreeing for the said proposal.

In view of the averments made in the counter affidavit that the

respondents are proposed to rectify the anomaly and fix the pay of the petitioner on par with his junior Sirimalla Kanakaiah from Rs.1462/- to Rs.1522/- with effect from 01.01.1988 notionally and with monetary benefit from the date of representation i.e., from 01.10.1995, and having regard to the fact that the petitioner also agreed for the said proposal, without keeping the writ petition pending, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents are directed to pass appropriate orders in the matter rectifying the anomaly within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 28.09.2006
Nsr/lsl